



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of

Inventor(s)

for

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: KRUER, Thomas R.

Application No.: 10 7785,257 Group No.: 3752

Filed: February 24, 2004 Examiner:

For: UNITIZED MAT TO FACILITATE GROWING WOODY PLANTS

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
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(Information Disclosure Statement [6-1]—page 1 of _____)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number pages consecutively)

1. Preliminary Statements
2. FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. Statement as to Information Not Found in Patents or Publications
4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. Cumulative Patents or Publications
6. Copies of Listed Information Items Accompanying This Statement
7. Concise Explanation of Non-English Language Listed Information Items
 - 7A. EPO Search Report
 - 7B. English Language Version of EPO Search Report
8. Translation(s) of Non-English Language Documents
9. Concise Explanation of English Language Listed Information Items (Optional)
10. Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections

, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Please type a plus sign (+) inside this box → +

PTO/SB/08A (10-96)

Approved for use through 10/31/99. OMB 0651-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Complete if Known

Application Number	10/785,257
Filing Date	February 24, 2004
First Named Inventor	KRUER, Thomas R.
Group Art Unit	3752
Examiner Name	
Attorney Docket Number	1819-3

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (2) Each publication or that portion which caused it to be listed; and (3) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included"

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

Exception(s) to above:

- Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- Cumulative patents or publications identified in Section 5.

**Section 9. Concise Explanation of English Language Listed Information
Items (OPTIONAL)**

NOTE: "Applicants may, if they wish, provide a concise explanation of why English-language information is being submitted and how it is understood to be relevant. Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

U.S. Patent No. 6,293,477, issued on September 25, 2001 to Chambers, describes an irrigator configured from a flexible or semi-flexible material which can conform to various sizes and shapes of terrain. According to various embodiments of the irrigator, seep holes may be provided. The irrigator contains holes for various plant life to take root through and for facilitating drainage. The irrigator may have multiple, distinct passages for the collection and/or distribution of multiple fluids or gases.

U.S. Patent No. 5,839,659, issued on November 24, 1998 to Murray, discloses a capillary system that provides water, nutrient solutions and gases such as air to the root zone of plants. The system uses one or more conduits having perforations spaced apart therealong, with the conduits being held in pockets. In use, the capillary system is buried to an appropriate depth in soil below the plants to be irrigated. The upper layer of capillary cloth is wet by the flow out of the perforations and serves to distribute water.

U.S. Patent No. 5,749,109, issued on May 12, 1998 to Kappel, relates to blankets for use with forced air convection systems, wherein the blankets includes means to provide air through selective areas of the lower sheet of the blanket. This device relates to using a mat to disburse a fluid throughout the mat, although the application to irrigation and selective plant growth is not addressed.

U.S. Patent No. 5,301,633, issued on April 12, 1994 to Lloyd, teaches a flat and thin bladder device used to cause earthworms to migrate to the earth's surface for easy collection. The bladder is laid flat on the earth's surface and soaks the ground underneath the bladder perforations. Soaking the earth under the bladder causes earthworms to migrate to the surface and they are then easily collected as the bladder is lifted to expose them.

U.S. Patent No. 4,833,822, issued on May 30, 1989 to DiGrassi, describes a mulch strip

of an elongated base sheet formed from a flexible plastic material having a pair of parallel fluid reservoir tubes extending along the length of each base strip, down the opposite side edges of the strip. Each of the fluid reservoir tubes is provided with a hose fitting for connection with a conventional garden hose for filling the reservoir tubes with water. In use, the water filled tubes serve to hold the mulch strip in place and form a channel for retaining rain water on the surface of the strip. The fluid reservoir tubes also collect heat and serve to keep the ground beneath the strip warm after sunset. A plurality of concentric perforations are spaced along the length of the base sheet for the insertion of plants into the ground through the base sheet.

U.S. Patent No. 4,473,191, issued on September 25, 1984 to Chapin, discloses a drip tape fabricated from thin plastic material. The drip tape incorporates a series of tortuous paths to accomplish the desired pressure drop and flow reduction. The pre-installed or pre-molded dissemination devices, such as emitters, are positioned along the length of the tape.

U.S. Patent No. 4,199,106, issued on April 22, 1980 to Kojimoto et al., discloses an irrigation hose which is produced by melt-sticking double thermoplastic resin film in a plane along longitudinal parallel lines so as to form a supply passage with communicating holes and constant pressure passages with water-irrigating holes. The invention includes aligning the communicating holes and/or water-irrigating holes to provide irrigating water along the hose.

U.S. Patent No. 4,130,245, issued on December 19, 1978 to Bryson, teaches a generally flat envelope or package for controllably dispensing into the atmosphere a liquid substance which is normally liquid and vaporizable under atmospheric temperature and pressure conditions.

U.S. Patent No. 4,126,998, issued on November 28, 1978 to Gilead, teaches an irrigation apparatus comprising first and second layers of sheet material. The layers are bonded together at surfaces to define a liquid conduit, having at least one pressure reducing path associated therewith and an exit port from each of the at least one pressure reducing paths. The apparatus is

linear and is installed underground.

U.S. Patent No. 4,095,618, issued on June 20, 1978 to Spencer, describes an irrigation rodent deterrent tube, particularly adapted for drip or trickle irrigation. The tube has a flat configuration when free of internal pressure. The tube also has laterally projecting webs which tend to be the first to be bitten by a rodent while exploring the presence of the irrigation tube. The webs may be enlarged to contain a concentration of a deterrent or toxic material.

U.S. Patent No. 3,774,850, issued on November 27, 1973 to Zeman, discloses a polymeric, preferably biodegradable tube for agricultural use for distributing water to plants located along the length of the tube. The tube includes a plurality of outlet openings so as to restrict the flow of water to each of the outlets. The tube may also have mulch sections along the length of the tube. Preferably the walls of the tube are thin enough to be broken up by normal agricultural instruments such as plows. The tube has limited durability.

U.S. Patent No. 3,205,619, issued on September 14, 1965 to Henry, discloses an irrigation mulching sheet consisting of an integral irrigating means permitting more economical use of available water while improving ease of installation and stability of the structure. Water is continuously provided along the linear tubing of the sheet.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

(a) the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(c) the practitioner who signs below on the basis of the information:

(check each applicable item)

supplied by the inventor(s).
 supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
 in the practitioner's file.

SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

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